IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19472 of 2004

Between:

Chitturi Bala Siva Subrahmanyam, S/o Late Ramachandra Rao, Hindu,
R/o Hanumanpet, Vijayawada - 520 003.

..... PETITIONER

AND

Vijayawada Municipal Corporation, Rep. by its Commissioner, Vijayawada.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, particularly one in the nature of a Writ of Mandamus, declaring the action of the respondent as illegal and ultra vires to the provisions of Article 14 of the constitution of India and also the mandatory provisions of the Hyderabad Municipal Corporation Act and consequently direct the respondent Corporation not to meddle with the constructions made in the property bearing Door No. 11-40-01, Bhavannarayana Street of Vijayawada Municipal Corporation.

Counsel for the Petitioner: MR.V.S.R.ANJANEYULU

Counsel for the Respondent: MR.T.S.VENKATARAMANA

This Court at the admission stage made the following :

THE HON'BLE MS JUSTICE G. ROHINI

WRIT PETITION No. 19472 of 2004

O R D E R:

An additional affidavit has been filed by the petitioner stating that during the pendency of this writ petition, the respondent passed orders dated 20-10-2004 directing removal of the alleged objectionable construction within a period of three days therefrom. Challenging the said orders, dated 20-10-2004, the petitioner filed O.S.No.1226 of 2004 on the file of the Senior Civil Judge, Vijayawada, and the same is pending.

The learned counsel for the petitioner, in view of the changed circumstances, states that the cause in the writ petition does not survive and therefore, no further adjudication is necessary in the writ petition.

Accordingly granting leave and liberty to the petitioner to pursue the civil suit-O.S.No.1226 of 2004 pending on the file of the Senior Civil Judge, Vijayawada, the writ petition is dismissed. No costs.

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(**G. ROHINI, J**)

Date: 22-12-2004

ghn

To

1. The Vijayawada Municipal Corporation, Represented by its Commissioner, Vijayawada.

2. Two CD copies.